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REMARKS

Claims 1-28, 30 and 32 of the application stand rejected. Applicants respectfully request reconsideration of the pending claims in light of the remarks herein.

35 U.S.C. §103

Claims 1, 2, 7 and 9-28, 30 and 32 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ishida et al., U.S. Publication US-2001/0032258 A1 (hereafter "Ishida") in view of Laursen, U.S. Patent No. 6,895,234 (hereafter "Laursen"). The Examiner submits that the combination of Ishida and Laursen teaches all the elements of these claims. Applicants respectfully traverse the Examiner's rejections.

As a preliminary matter, Applicants respectfully submit that the rejection of Claims 1, 2, 7 and 9-28, 30 and 32 is facially deficient because the Examiner has not established a *prima facie* case of unpatentability. As is well-established, in order to establish a *prima facie* case of unpatentability under 35 U.S.C. § 103, the combination of cited prior art must teach or suggest every limitation of the claims being rejected. Therefore, if even one claim element or limitation is not taught or suggested by the reference(s), a *prima facie* case is not established. Additionally, as the Federal Circuit has noted,

"As adapted to ex parte procedure, Graham [v. John Deere Co.] is interpreted as continuing to place the burden of proof on the Patent Office which requires it to produce the factual basis for its rejection of an application under sections 102 and 103."

In re Piasecki, 745 F.2d 1468, 1472, 223 USPQ 785, 788 (Fed. Cir. 1984) (citing *In re Warner*, 379 F.2d 1011, 1016, 154 USPQ 173, 177 (CCPA 1967)). The Examiner thus has the burden of producing a factual basis for his or her rejection and for establishing unpatentability by identifying how each recited claim element is allegedly disclosed by the cited reference(s) or combination of references. Applicants respectfully submit that the Examiner has failed to establish such a *prima facie* case and has merely provided bare allegations that the references render the claims unpatentable. For example, with respect to independent Claims 1, 10, 20 and 28, the Examiner suggests that

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FIG. 1 and Para 0075 – 0078 of Ishida disclose the claimed elements of a variable time period (VTP), a time duration to a next connection (TDNC) and an access log. The Examiner does not point to any specific language in Ishida that describes a VTP, a TDNC or an access log. Instead, the Examiner points to 3 paragraphs in Ishida and makes the conclusory statement that the VTP is equivalent to “time of access” while the access log is described by “using URL access log”. Applicants respectfully submit that the Examiner’s alleged “showing” of why Ishida teaches various elements of Claims 1, 2, 7 and 9-33 is deficient because the statements above are purely conclusory and unsupported by any facts or explanation.

Similarly, when the Examiner alleges that the Abstract, Fig. 5b and Col. 12 line 25 to Col. 13 line 67 of Laursen teach or suggest the element of forcibly updating the access log every variable time period (VTP) regardless of whether data is accessed on the client, Applicants submit that the Examiner makes no showing whatsoever of a factual basis for the rejection. Citing a huge portion of text on a page of the reference simply does not rise to the requisite level of showing how the claim element is allegedly shown by the reference. In summary, Applicants respectfully submit that the Examiner has failed his burden of establishing a *prima facie* case of unpatentability and the rejection of Claims 1, 2, 7 and 9-28, 30 and 32 should be reversed for at least this reason.

Even assuming arguendo that the Examiner had established a *prima facie* case, Applicants’ own perusal of Ishida and/or Laursen does not support the Examiner’s interpretation of the references and the claimed invention. The language in Para 0075-0078 of Ishida, for example, reads as follows:

“[0075] As shown in FIG. 2, this certification server 7 is connected to a user information storage section 11, which stores user information including, for example, the user ID and password. Then, this certification server 7 checks the certification information entered by the user 4 with the user information stored in the user information storage section 11 (FIG. 2) to thereby performs certification of the user 4. Then, this certification server 7 returns affirmation or negation as a certification result to the aforesaid terminal server 6 (step S2).

[0076] Upon receipt of an affirmative certification result, the terminal server 6 permits an Internet connection for the user 4 and assigns a unique IP address to a port to which the user 4 is connected as shown in FIG. 3A. Thereby, the user 4 can download/upload information by

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connecting to/accessing various URL's (Web sites) using this IP address until he/she disconnects from the terminal server 6.

[0077] Here, the terminal server 6 is connected to a routing server 12 (router) and this routing server 12 functions so that all Internet connections through the terminal server 6 are routed through the aforesaid substitute server 8. For example, if the user 4 issues a browsing request of a URL 1, shown as 13a in the drawing, the user 4 will be connected to the URL 1 through the aforesaid substitute server 8 (step S3). Thereby, the substitute server 8 obtains a URL access log, which indicates the time of access, the IP address used and the URL to which an access request was issued, and stores URL access log information in an IP address-URL access log storage section 14 (step S4). Then, as shown in FIG. 4, the aforesaid substitute server 8 records additional access log information every time the user 4 issues a connection request to a URL (URL 2, URL 3 and the like).

[0078] Next, if the user 4 disconnects from the terminal server 6, the aforesaid certification server 7 stores the IP address usage information, that is, connection start time and connection end time for the IP address, associated with the certification information of the user (user ID) in a user-IP address usage information storage section, indicated with the number 15 in the drawing (step S5). FIG. 3B shows a condition in which a user with a member ID=A completed a disconnection. Then, when the user disconnects, the aforesaid certification server 7 issues an update command to the aforesaid update server 9 (step S6)."

Applicants respectfully submit that these sections highlighted by the Examiner do not teach the elements of the invention suggested by the Examiner. The Examiner appears to be saying, for example, that a VTP is equivalent to "time of access" in Ishida. Applicants strongly disagree. The specific language in Ishida is as follows: "Thereby, the substitute server 8 obtains a URL access log, which indicates the time of access, the IP address used and the URL to which an access request was issued, and stores URL access log information in an IP address-URL access log storage section 14 (step S4)" (Ishida, Para 77, emphasis added). "The time of access" in Ishida is clearly referring to an actual time that the access log was accessed. In contrast, a VTP is defined in the specification as "a piece of data representing a time period that is chosen by a server and transmitted to a client" (Specification, Page 2, Para 4, emphasis added). Ishida simply does NOT teach or suggest this element.

The Examiner concedes that Ishida does not specifically disclose a client to forcibly update the access log every variable time period (VTP) regardless of whether data is accessed on the client. The Examiner suggests, however, that Laursen discloses

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this element. Applicants strongly disagree. First and foremost, as discussed above, Ishida does not disclose a VTP (i.e., a time period), but rather an actual time at which an access request is issued. As a result, regardless of what is taught by Laursen, the combination of the references cannot teach or suggest the above element. Furthermore, the sections of Laursen highlighted by the Examiner do not appear to suggest the forcible updating of the access log every VTP regardless of whether data is accessed on the client, as claimed. The Examiner cites the Abstract, Fig. 5b and Col. 12 line 25 to Col. 13 line 67 of Laursen as allegedly teaching this claim element. Applicants' perusal of these sections shows no such teaching. If anything, Fig. 5b of Laursen clearly shows that "credential information" is updated in 270 *only if it is received* in 268. In other words, Fig. 5b appears to teach away from the suggestion that an access log is always forcibly updated regardless of whether data is accessed on a client. Similarly, the huge amount of text highlighted by the Examiner in Col. 12 line 25 to Col. 13 line 67 of Laursen makes no mention of this element (and simply fails to establish a *prima facie* rejection, as discussed in detail above).

Applicants hereby maintain that Ishida and/or Laursen, alone or in combination, do not teach or suggest at least these elements of the independent claims. Since the dependent claims include all elements of the independent claims, Ishida and/or Laursen also do not render the dependant claims unpatentable. Applicants respectfully submit that at least for the reasons described above, Ishida and/or Laursen fail to render Claims 1-28, 30 and 32 unpatenable under 35 U.S.C. § 103 and Applicants therefore respectfully request the Examiner to withdraw the rejection to these claims.

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CONCLUSION

Based on the foregoing, Applicants respectfully submit that the applicable objections and rejections have been overcome and that pending Claims 1-28, 30 and 32 are in condition for allowance. Applicant therefore respectfully requests an early issuance of a Notice of Allowance in this case. If the Examiner has any questions, the Examiner is invited to contact the undersigned at (703) 633-6845.

If there are any additional charges, please charge Deposit Account No. 50-0221.

Respectfully submitted,

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